

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VINCENT A. MOSBY,

Plaintiff,

v.

JAMES HAMLET, et al.,

Defendants.

No. C 02-5667 SBA (PR)

**ORDER (1) LIFTING STAY,  
(2) DIRECTING CLERK OF THE COURT  
TO REOPEN FILE, (3) GRANTING  
DEFENDANTS' REQUEST FOR AN  
EXTENSION OF TIME TO FILE A  
DISPOSITIVE MOTION AND (4) SETTING  
BRIEFING SCHEDULE**

(Docket no. 39)

Plaintiff, a state prisoner incarcerated at the California Training Facility (CTF) in Soledad, California, filed a civil rights action pursuant to 42 U.S.C. § 1983. The Court issued an Order of Service on March 8, 2004, and Defendants filed an Answer on June 21, 2004. On December 22, 2004, the Court entered a stay and directed the Clerk of the Court to administratively close this case pending the Supreme Court's ruling on the constitutionality of the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc-1. On July 5, 2005, Defendants notified the Court that the Supreme Court decided Cutter v. Wilkinson, 125 S. Ct. 2113 (2005) and held that section 3 of RLUIPA did not violate the Establishment Clause of the First Amendment. Defendants request to lift the stay in this case. Defendants also request an extension of time, up to and including September 9, 2005, in which to file a dispositive motion.

Having read and considered Defendants' ex parte requests and the accompanying declaration of counsel, and good cause appearing,

The Court hereby GRANTS Defendants' request to lift the stay entered on December 22, 2004 (docket no. 39). The Clerk of the Court is directed to REOPEN the case file.

The Court GRANTS Defendant's request for an extension of time to file a dispositive motion (docket no. 39). The time in which Defendants may file their dispositive motion will be extended to no later than **September 9, 2005**. Plaintiff shall file his response no later than **forty-five (45) days** after receipt of Defendants' dispositive motion.

1 Extensions of time are not favored, though reasonable extensions will be granted.  
2 However, the party making a motion for an extension of time is not relieved from his or her duty to  
3 comply with the deadlines set by the Court merely by having made a motion for an extension of  
4 time. The party making the motion must still meet the deadlines set by the Court until an order  
5 addressing the motion for an extension of time is issued. Any motion for an extension of time must  
6 be filed no later than **fifteen (15) days** prior to the deadline sought to be extended.

7 IT IS SO ORDERED.

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9 DATED: 7/14/05

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11 SAUNDRA BROWN ARMSTRONG  
12 United States District Judge  
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